



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
November 21, 2005**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, November 21, 2005, at 9:48 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Joan M. DuBois, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Dana Kauffman, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Gerald W. Hyland, Mount Vernon District, arrived at 9:49 a.m.

Supervisor Sharon Bulova, Braddock District, and Supervisor Elaine McConnell, Springfield District, arrived at 9:50 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors.

BOARD MATTERS1. **GROUNDBREAKING CEREMONY** (9:48 a.m.)

Chairman Connolly announced that the meeting began a little late because Board Members just returned from the groundbreaking ceremony for the new Public Safety Center, which is scheduled to open late 2007. Co-located at the facility will be the following offices:

- Fairfax County Department of Public Safety Communications (9-1-1- call center)
- Fairfax County Office of Emergency Management
- Fairfax County Emergency Operations Center
- Virginia State Police Division 7 call-takers and dispatchers
- Virginia Department of Transportation Smart Traffic Center

2. **MOMENT OF SILENCE** (9:49 a.m.)

(P) Supervisor Hudgins asked everyone to keep in thoughts the family of Mary Jackson, who died recently. Mrs. Jackson and her husband, Walter, moved to Reston 36 years ago and she became a very active member of her community, spending approximately 20 years with Friendly Instant Sympathetic Help (FISH). She was committed to helping other people.

Supervisor Hudgins asked everyone to keep in thoughts the family of Ed Herlihy, a very active and fervent citizen activist, who died recently. He was organized in the Reston Citizen's Association and the Reston Community Center.

Supervisor Hyland asked everyone to keep in thoughts the family of Lieutenant Colonel Thomas Wren, a member of the Lorton community, who died in Iraq.

Chairman Connolly announced that, should there be any more casualties in Iraq or Afghanistan, it will be Policy of the County, that flags will be flown at half staff in honor of the deceased. Also, assuming the family will welcome it, a police escort will be provided at the time of the memorial services.

Supervisor Gross asked everyone to keep in thoughts the family of Leroy Eakin, Jr. who died recently. She said that, although he was not a constituent in the Mason District, he built a lot of Mason District. Mr. Eakin was instrumental in donating land for County Parks and was one of the first recipients of the Ellie Doyle Park Service Award in 1989.

AGENDA ITEMS

3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FIRE AND RESCUE DEPARTMENT, THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2068, THE MUSCULAR DYSTROPHY ASSOCIATION, AND SUN TRUST BANK** (9:53 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to the Fire and Rescue Department, the International Association of Firefighters Local 2068, the Muscular Dystrophy Association, and Sun Trust Bank for their efforts for the 2005 Fill the Boot Campaign. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. KATE ZIEGLER** (9:58 a.m.)

Supervisor DuBois moved approval of the Certificate of Recognition presented to Ms. Kate Ziegler for her accomplishments at the 2005 World Aquatics Championship in Montreal and other competitions. Supervisor Bulova seconded the motion and it carried by unanimous vote.

5. **PROCLAMATION DESIGNATING NOVEMBER 2005, AS “ADOPTION AWARENESS MONTH” IN FAIRFAX COUNTY** (10:02 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate November 2005 as “*Adoption Awareness Month*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, an announcement was made regarding an Adoption Awareness Display. See Clerk’s Summary Item CL#12.)

6. **CERTIFICATE OF RECOGNITION PRESENTED TO DR. BUD CALVERT OF THE FAIRFAX BAPTIST TEMPLE (SPRINGFIELD DISTRICT)** (10:11 a.m.)

Supervisor McConnell moved approval of the Certificate of Recognition presented to Dr. Bud Calvert of the Fairfax Baptist Temple for his contributions to the faith community and the County. Supervisor Bulova seconded the motion and it carried by unanimous vote.

7. **PROCLAMATION DESIGNATING NOVEMBER 2005 AS “AMERICAN INDIAN HERITAGE MONTH” IN FAIRFAX COUNTY** (10:17 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate November 2005 as “*American Indian Heritage Month*” in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO FAIRFAX FAMILIES CARE COALITION** (10:22 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Fairfax Families Care Coalition for its work. Supervisor Hyland and Supervisor McConnell jointly seconded the motion and it carried by unanimous vote.

(NOTE: Later in the meeting, the Board provided an update on Fairfax Families Care. See Clerk’s Summary Item CL#37.)

9. **CERTIFICATE OF RECOGNITION PRESENTED TO THE STAFF OF WASTEWATER MANAGEMENT DIVISION, DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES (DPWES)** (10:32 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to the staff of the Wastewater Management Division, DPWES, for receiving a Gold Peak Award for clean water. Supervisor Gross and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

10. **CERTIFICATE OF RECOGNITION PRESENTED TO THE STORMWATER RETROFIT PROJECT TEAM (PROVIDENCE DISTRICT)** (10:41 a.m.)

Supervisor Smyth moved approval of a Certificate of Recognition presented to the project team for implementing the stormwater retrofit at the Providence District Office and their commitment to strengthening the environment. Supervisor Bulova and Supervisor McConnell jointly seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

11. **PROCLAMATION TO DESIGNATE DECEMBER 1, 2005, AS “AIDS AWARENESS DAY” IN FAIRFAX COUNTY** (10:50 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate December 1, 2005, as “*AIDS Awareness Day*” in Fairfax County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, and Supervisor Gross being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

12. **ADOPTION AWARENESS DISPLAY** (10:58 a.m.)

(NOTE: Earlier in the meeting, the Board proclaimed November as Adoption Awareness Month. See Clerk’s Summary Item CL#5.)

Supervisor Hudgins announced that there is an Adoption Awareness display in the lobby of the Government Center.

13. **10 A.M. – PRESENTATION OF ENVIRONMENTAL EXCELLENCE AWARD** (11:01 a.m.)

Stella M. Koch, Chairperson, Environmental Quality Advisory Council, presented the Environmental Excellence Award to Janet Rahman, Administrative Assistant, Park Authority.

PW:pw

14. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:08 a.m.)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointments of the Lee and Sully District Representatives to the Advisory Social Services Board.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Hunter Mill District Representative to the Animal Services Advisory Commission.

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of the Professional Group #5 Representative to the Architectural Review Board.

ATHLETIC COUNCIL

Chairman Connolly moved the reappointment of Mr. Phuc Truong Dao as the At-Large Chairman's Alternate Representative to the Athletic Council. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Supervisor DuBois moved the appointment of Mr. Scott Wilks to fill the unexpired term of Mr. Anthony LaManna as the Dranesville District Alternate Representative to the Athletic Council. This motion, the second to which was inaudible, carried by unanimous vote.

The Board deferred the appointments of the Hunter Mill District Alternate and Mason District Alternate Representatives to the Athletic Council.

(NOTE: Later in the meeting, the Board adopted revised bylaws for the Athletic Council. See Clerk's Summary Item CL#22.)

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Sully District Representative to the Child Care Advisory Council.

CIVIL SERVICE COMMISSION

Supervisor DuBois moved the appointment of Mr. Richard Stacy as an At-Large Representative to the Civil Service Commission. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the appointment of Mr. John Townes as an At-Large Representative to the Civil Service Commission. Supervisor Frey seconded the motion, which carried by unanimous vote.

COMMISSION FOR WOMEN

Chairman Connolly moved the appointment of Ms. Silvia Patton to fill the unexpired term of Ms. Regina Fosstvedt as the At-Large (Minority) Representative to the Commission for Women. Supervisor Gross seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the Religious Community and the Sully District Representatives to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

Chairman Connolly moved the appointment of Mr. Tom Fox to fill the unexpired term of Mr. Lawrence Graham as the At-Large Chairman's Representative to the Community Action Advisory Board. Supervisor Gross seconded the motion, which carried by unanimous vote.

CONFIRMATION:

Supervisor Hudgins moved the confirmation of the following appointment to the Community Action Advisory Board:

- Ms. Adalene Spivy as the Junior League of Northern Virginia Representative

Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Dranesville and Lee District Representatives to the Community Action Advisory Board.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and, pursuant to the Community Action Advisory Board's request, moved that the Board direct staff to add representatives from the Fairfax County Bar Association and the Fairfax County Faith Communities in Action to the Community Action Advisory Board. Supervisor McConnell seconded the motion, which carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

COMMUNITY CRIMINAL JUSTICE BOARD**CONFIRMATION:**

Supervisor Bulova moved the confirmation of the following appointment to the Community Criminal Justice Board:

- Mr. David Hodgkins as the City of Fairfax At-Large Representative

This motion, the second to which was inaudible, carried by unanimous vote.

COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE

Supervisor Smyth moved the appointment of Mr. Roger Diedrich to fill the unexpired term of Mr. Donald Emerson as the Providence District Representative to the Countywide Non-Motorized Transportation (Trails) Committee. Supervisor Bulova seconded the motion.

The question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Gross abstaining.

(NOTE: Later in the meeting, the Board made an additional appointment to this committee. See page 9.)

CRIMINAL JUSTICE ADVISORY BOARD

The Board deferred the appointment of the Hunter Mill District Representative to the Criminal Justice Advisory Board.

ENGINEERING STANDARDS REVIEW COMMITTEE

Supervisor Hudgins moved the appointment of Mr. Paul Noursi to fill the unexpired term of Colonel Denver Lovett as the Citizen #3 Representative to the Engineering Standards Review Committee. Supervisor McConnell seconded the motion, which carried by unanimous vote.

FAIRFAX AREA DISABILITY SERVICES BOARD

Supervisor Bulova moved the reappointment of Ms. Pamela Barrett as the Braddock District Representative to the Fairfax Area Disability Services Board. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

Supervisor McConnell moved the appointment of Mr. Daniel Kane to fill the unexpired term of Ms. Donna Martinez as the Springfield District Representative to the Fairfax Area Disability Services Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #2 (Business Community) and At-Large Chairman's Representatives, and Hunter Mill, Lee, Mason, and Providence District Representatives to the Fairfax Area Disability Services Board.

COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE

(NOTE: Earlier in the meeting, the Board made an appointment to this committee. See page 8.)

CONFIRMATION:

Supervisor Hyland moved the confirmation of the following appointment to the Countywide Non-Motorized Transportation (Trails) Committee:

- Ms. Rebecca Cate as the Federation of Citizens Associations Representative

Supervisor Kauffman seconded the motion, which carried by unanimous vote.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

The Board deferred the appointment of the Mason District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

The Board deferred the appointment of the Mount Vernon District Representative to the Fairfax-Falls Church Community Services Board.

HISTORY COMMISSION

The Board deferred the appointment of the Citizen #8 Representative to the History Commission.

HUMAN RIGHTS COMMISSION

Supervisor Gross moved the appointment of Mr. Daoud Khairallah as the At-Large #8 Representative to the Human Rights Commission. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the appointment of Mr. Joon Cho to fill the unexpired term of Mr. Preston Royster as the At-Large #11 Representative to the Human Rights Commission. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large #1, and #2 Representatives to the Human Rights Commission.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Sully District #1 Representative to the Human Services Council.

INDUSTRIAL DEVELOPMENT AUTHORITY

Supervisor Hudgins moved the reappointment of Ms. Dianne Stoddard as the At-Large #4 Representative to the Industrial Development Authority. Chairman Connolly seconded the motion, which carried by unanimous vote.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointments of the At-Large Chairman's Representative and Providence District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council.

LIBRARY BOARD

Supervisor Smyth moved the appointment of Ms. Margaret Koplitiz to fill the unexpired term of Ms. Chris Niedzielski-Eichner as the Providence District Representative to the Library Board. This motion, the second to which was inaudible, carried by unanimous vote.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Supervisor DuBois moved the appointment of Ms. Jan Auerbach to fill the unexpired term of Mr. David Hunt as the Dranesville District Representative to the Oversight Committee on Drinking and Driving. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Braddock, Mason, and Providence District Representatives to the Oversight Committee on Drinking and Driving.

ROAD VIEWERS BOARD

The Board deferred the appointment of the At-Large #4 Representative to the Road Viewers Board.

SMALL BUSINESS COMMISSION

Supervisor Hudgins moved the appointment of Ms. Beatrice Malone as the Hunter Mill District Representative to the Small Business Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #7 Representative to the Southgate Community Center Advisory Council.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Hunter Mill District Representative to the Transportation Advisory Commission.

TREE COMMISSION

Chairman Connolly moved the reappointment of Ms. LaDuska Adriance as the At-Large Chairman's Representative to the Tree Commission. Supervisor Gross seconded the motion, which carried by unanimous vote.

UNIFORMED RETIREMENT SYSTEM**CONFIRMATION:**

Supervisor Bulova moved the confirmation of the following appointment to the Uniformed Retirement System:

- Second Lieutenant Charles Forneck as the Elected Uniformed Employee Representative

Supervisor Hyland seconded the motion, which carried by unanimous vote.

AD HOC COMMITTEES**HUNTER MILL ROAD AREA SPECIAL STUDY TASK FORCE**

Supervisor Hudgins moved the appointment of Mr. Joseph Stowers as the Hunter Mill District #2 Representative to the Hunter Mill Road Area Special Study Task Force. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Hudgins moved the appointment of Ms. Sheryl Markham as the Hunter Mill District #5 Representative to the Hunter Mill Road Area Special Study Task Force. Chairman Connolly seconded the motion, which carried by unanimous vote.

ADDITIONAL BOARD MATTER**15. RESIGNATION OF MR. LAWRENCE FOWLER FROM THE CONSUMER PROTECTION COMMISSION** (11:17 a.m.)

(BACs) Supervisor Kauffman announced that after 41 years of serving on the Consumer Protection Commission, Mr. Lawrence Fowler has resigned due to health issues. Supervisor Kauffman asked unanimous consent that the Board direct staff to invite Mr. Fowler to appear before the Board to be recognized for his many years of service to the Consumer Protection Commission. Without objection, it was so ordered.

AGENDA ITEMS**DET:det****16. ADMINISTRATIVE ITEMS** (11:17 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Hyland seconded the motion.

Supervisor Hudgins called the Board's attention to Admin 4 – Authorization to Advertise a Public Hearing Regarding the Leasing of County-Owned Property Located at 12470 Braddock Road, to the Southwestern Youth Association and discussion ensued with input from Hayden Coddington, Assistant County Attorney, and Patricia D. Franckewitz, Director, Department of Community and Recreation Services, concerning the assignment and dedication of field time.

Chairman Connolly called the Board's attention to Admin 5 – Supplemental Appropriation Resolution AS 06037 for the County Police Department to Accept Funding from ChildSafeNet and discussion ensued with input from Major Robert Callahan, Police Department, and Anthony H. Griffin, County Executive, concerning action by the Board at its December 6, 2004, meeting regarding funding for this program. Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to review alternative funding sources for this program to ensure its viability. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Frey called the Board's attention to Admin 17 – Authorization to Advertise Public Hearings for Proposed Amendments to the Public Facilities Manual Regarding Stormwater Outfall and Proposed Amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance) Regarding Notification Requirements and discussion ensued concerning the need for the Board to receive the Planning Commission's

recommendations in anticipation of the Board's public hearing on January 26, 2006.

Further discussion ensued regarding the use of the word "incremental" in the report, with input from Michelle Brickner, Assistant Director, Land Development Services, Department of Public Works and Environmental Services.

The question was called on the motion to approve the administrative items and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (LEE, PROVIDENCE, AND SULLY DISTRICTS)

Approved an extension of review period for the following Public Facility (2232) Review Applications:

- 2232-L05-8 to January 28, 2006
- 2232-P05-19 to January 23, 2006
- 456A-Y97-8-2 to January 23, 2006

ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE CARDINAL FOREST COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 5, 2005, at 4:30 p.m.** to consider a proposed amendment to the Code of the County of Fairfax, Appendix M, to establish the Cardinal Forest CPD, in accordance with current CPD restrictions.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO AMEND THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE BURKE CENTRE COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 5, 2005, at 4:30 p.m.** to consider a proposed amendment to the Code of the County of Fairfax, Appendix M, to establish the Burke Centre CPD, in accordance with current CPD restrictions.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE LEASING OF COUNTY-OWNED PROPERTY LOCATED AT 12470 BRADDOCK ROAD, TO THE SOUTHWESTERN YOUTH ASSOCIATION (SYA) (SPRINGFIELD DISTRICT)

- (A) (NOTE: Earlier in the meeting, the Board discussed this item. See page 12.)

Authorized the advertisement of a public hearing to be held before the Board on **January 9, 2006, at 4 p.m.** regarding the proposed leasing of County-owned property located at 12470 Braddock Road (Tax Map 66-2-01 Parcel 4D) to the SYA.

ADMIN 5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 06037 FOR THE COUNTY POLICE DEPARTMENT TO ACCEPT FUNDING FROM CHILDSAFENET

- (SAR) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 12.)

Approved SAR AS 06037 for the County Police Department to accept \$856,524 from ChildSafeNet for the continuation and expansion of the Department's Sexual Predator Enforcement and Apprehension Detail. The award provides for the extension of the previously established 3/3.0 SYE grant positions and the creation of three additional 3/3.0 SYE grant positions, to include related operating and equipment costs through August 31, 2006. No local match will be required.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 11335 LEE HIGHWAY (SPRINGFIELD DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 5, 2005, at 4:30 p.m.** to consider the adoption of a Spot Blight Abatement Ordinance for 11335 Lee Highway. [Tax Map Number 056-2-((04))-0004].

ADMIN 7 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES) ARTICLE 6 (DEFERRED COMPENSATION PLAN ORDINANCE)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 5, 2005, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 6 (Deferred Compensation Plan Ordinance).

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING THE LEASING OF A PORTION OF COUNTY-OWNED PROPERTY AT THE INTERSECTION OF THE FAIRFAX COUNTY PARKWAY AND BARON CAMERON AVENUE TO CINGULAR WIRELESS (HUNTER MILL DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 9, 2006, at 4 p.m.** regarding the proposed leasing of a portion of County-owned property at the intersection of the Fairfax County Parkway and Baron Cameron Avenue, Tax Map Number 17-1 ((12)) 8.

ADMIN 9 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 86-P-104-3, SPACENET REAL ESTATE HOLDINGS, LLC (PROVIDENCE DISTRICT)

- (AT) Approved 12 months additional time to commence construction for Special Exception Amendment Application SEA 86-P-104-3 to July 7, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 10 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 01-L-020, SPRINGFIELD EAST LC (LEE DISTRICT)

- (AT) Approved 24 months additional time to commence construction for Special Exception Application SE 01-L-020 to October 28, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 11 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 91-L-054-3, SPRINGFIELD EAST, LC (LEE DISTRICT)

- (AT) Approved 24 months additional time to commence construction for Special Exception Amendment Application SEA 91-L-054-3 to October 28, 2007, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 12 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 85-L-059-5, BSI INCORPORATED, T/A BROWNE ACADEMY (LEE DISTRICT)

- (AT) Approved six months additional time to commence construction for Special Exception Amendment Application SEA 85-L-059-5 to March 24, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 13 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 85-M-086, RADLEY AUTOMOBILES, INCORPORATED D/B/A
RADLEY ACURA (MASON DISTRICT)**

- (AT) Approved six months additional time to commence construction for Special Exception Amendment Application SEA 85-M-086 to March 7, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 14 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, LEE, MOUNT VERNON, SPRINGFIELD, AND SULLY
DISTRICTS)**

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Dulles Greene Drive Phase II Addendum	Dranesville	Dulles Greene Drive
Falls Run Section 1	Dranesville	Falls Manors Court Georgetown Pike Route 193 Additional Row Only
Falls Run Section 2	Dranesville	Falls Manor Court
Laing at Sugarland	Dranesville	Fairfax County Parkway Route 7100 Additional Row Only Fairfax County Parkway Route 7100 Additional Row Only Methven Court Sugarland Road Route 604 Additional Row Only
Linway Park Place	Dranesville	Kirby Road Route 695 Additional Row Only Linway Terrace Route 689 Additional Row Only
Piney Run LC	Dranesville	Artemel Lane, Route 5973

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
South Van Dorn Street	Lee	South Van Dorn Street Telegraph Road Route 611 Additional Row Only
Gunston Commons	Mount Vernon	Fourth Place Route 1105 Additional Row Only Sanger Street Route 747 Additional Row Only Sanger Street Route 747 Additional Row Only
Mount Vee Manor Section 4	Mount Vernon	Drews Court Justin Road Old Mount Vernon Road Route 623 Additional Row Only
Mount Vee Manor Section 5	Mount Vernon	Mount Vernon Highway Route 235 Additional Row Only Stephies Court
Sanger Street Pl	Mount Vernon	Sanger Street Route 747 Additional Row Only
Ridge Top Road Willow Ponds Section 7	Springfield	Ridge Top Road Westbrook Drive Additional Row Only Westbrook Drive Additional Row Only Whisper Willow Drive
Centreville Farms	Sully	Lee Highway Route 29 Additional Row Only Pickwick Road Route 1021 Additional Row Only Service Road Route F950

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Fair Oaks Chase	Sully	Avenel Court Firestone Court Harbor Town Circle Harbor Town Court Penderwood Drive West Ox Road Route 608 Additional Row Only
The Ridings of Virginia Run	Sully	Iron Stone Court Pleasant Valley Road Route 609 Additional Row Only Pleasant Valley Road Route 609 Additional Row Only Ridings Manor Place Saddle Downs Place

**ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF
FAIRFAX, CHAPTER 14 (EMERGENCY MANAGEMENT ORDINANCE)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 5, 2005, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 14 (Emergency Management Ordinance), relating to emergency management.

**ADMIN 16 – APPROVAL FOR THE DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT (HCD) TO APPLY FOR SPONSORING
PARTNERSHIPS AND REVITALIZING COMMUNITIES (SPARC)
MORTGAGE FUNDS FROM THE VIRGINIA HOUSING
DEVELOPMENT AUTHORITY (VHDA)**

Approved the staff recommendation that HCD, on behalf of the Fairfax County Redevelopment and Housing Authority, apply for an allocation of up to \$12 million in SPARC mortgage funds from VHDA.

ADMIN 17 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS FOR PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) REGARDING STORMWATER OUTFALL AND PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE) AND CHAPTER 112 (ZONING ORDINANCE), REGARDING NOTIFICATION REQUIREMENTS

(A) (R) (NOTE: Earlier in the meeting, the Board discussed this item. See page 12.)

- Authorized the advertisement of a public hearing to be held before the Planning Commission on December 8, 2005, and before the Board on **January 23, 2006, at 4 p.m.** to consider proposed amendments to the PFM regarding the adequacy of stormwater outfall.
- Adopted the Resolution authorizing the advertisement of a public hearing to be held before the Planning Commission on December 8, 2005, and before the Board on **January 23, 2006, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance), regarding notification requirements.

17. **A-1 – ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)** (11:29 a.m.)

(R) Following discussion, with input from Anthony H. Griffin, County Executive, and C. Douglas Bass, Director, Office of Emergency Management, Supervisor Bulova moved that the Board concur in the recommendation of staff and adopt a Resolution adopting NIMS as the County standard for incident management. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE.”

18. **A-2 – CHANGES TO THE FAIRFAX COUNTY PURCHASING RESOLUTION** (11:33 a.m.)

(R) Supervisor Gross moved that the Board concur in the recommendation of staff and adopt the following changes to the County Purchasing Resolution, to become effective upon adoption:

- Identify consultant services as a stand-alone definition and process, separate from professional services.

- Modify the process for negotiating a contract with a consultant, establishing consistency with the Virginia Public Procurement Act §2.2-4301 3b.

Supervisor Bulova seconded the motion.

Discussion ensued with input from Cathy A. Muse, Director, Department of Purchasing and Supply Management, concerning the publication time frame within sole source.

The question was called on the motion, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE.”

19. **A-3 – ADOPTION OF A BOARD RESOLUTION TO IMPLEMENT STATE CAR TAX CHANGES FOR FISCAL YEAR (FY) 2007 AND BEYOND (STATE BUDGET ITEM 503(E))** (11:36 a.m.)

- (R) Kevin C. Greenlief, Director, Department of Tax Administration, presented an explanation of, and background information on, the Resolution. Supervisor Bulova moved that the Board concur in the recommendation of staff and adopt the Resolution to implement State car tax changes for FY 2007 and beyond. Supervisor Hyland seconded the motion.

Discussion ensued concerning the use of the phrase “fixed percentage” in the second “Whereas” of the Resolution. Supervisor Bulova asked to amend the motion to change “fixed percentage” to “fixed allocation,” and this was accepted.

Supervisor Frey noted that because the General Assembly had capped the amount of subsidy provided to the County, that action would result in the vehicle owner paying more in taxes. Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to:

- Include in the County’s legislative agenda a proposal to present to the General Assembly to fully fund at 70 percent.
- Ensure that the County’s tax bills reflect the fact that the General Assembly had not kept the pledge at 70 percent.

Without objection, it was so ordered.

The question was called on the motion, as amended, and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE.”

20. **A-4 – APPROVAL TO INCREASE THE AMOUNT OF THE LOAN AWARD TO CHESTERBROOK RESIDENCES, INCORPORATED (CRI) FROM THE AFFORDABLE HOUSING PARTNERSHIP PROGRAM HOUSING TRUST FUND AND TO REVISE THE TERMS AND CONDITIONS OF THE LOAN (DRANESVILLE DISTRICT)** (11:44 a.m.)

Supervisor DuBois moved that the Board concur in the recommendation of staff and approve increasing the loan to CRI to \$1,229,000 and the reallocation within Fund 144, Housing Trust Fund, as a loan from the Affordable Housing Partnership Program, Tier Three, to CRI for the purpose of developing Chesterbrook, an affordable assisted living facility. Supervisor Hyland seconded the motion.

Discussion ensued with input from Louise Milder, Associate Director, Real Estate Finance, Real Estate Finance and Grants Management Division, Department of Housing and Community Development, concerning income levels.

The question was called on the motion, and it carried by unanimous vote.

21. **A-5 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 06034 FOR THE DEPARTMENT OF TRANSPORTATION TO EXECUTE A PROJECT AGREEMENT, ACCEPT TWO CONGESTION MITIGATION AIR QUALITY (CMAQ) GRANTS AWARDED TO THE COUNTY, AND FUND THE REQUIRED LOCAL CASH MATCH TO DESIGN AND CONSTRUCT A TRANSIT CENTER AT THE SEVEN CORNERS SHOPPING CENTER (MASON DISTRICT)** (11:45 a.m.)

(SAR) On motion of Supervisor Gross, seconded by Supervisor Kauffman, and carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” the Board concurred in the recommendation of staff and:

- Adopted SAR AS 06034 to accept two CMAQ grants totaling \$800,000 and fund the required \$200,000 in local cash match for the CMAQ grants. The local cash match is available in Fund 102, Federal/State Grant Fund.
- Approved the project agreement in substantial form. The total project cost is \$1 million, including \$800,000 from the two CMAQ grant awards and \$200,000 in required local cash match. These funds will be used to design and construct a transit center at the Seven Corners Shopping Center.

22. **C-1 – AMENDMENTS TO THE FAIRFAX COUNTY ATHLETIC COUNCIL BYLAWS** (11:47 a.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated November 21, 2005, regarding amendment to the County Athletic Council bylaws.

Supervisor Frey moved approval of the amendments to the County Athletic Council bylaws. Supervisor Hyland seconded the motion.

Following discussion, with input from Patricia D. Franckewicz concerning “fair play,” the question was called on the motion, and it carried by unanimous vote.

23. **C-2 – ENDORSEMENT OF GUIDING PRINCIPLES FOR THE “ONE PENNY FOR HOUSING” FLEXIBILITY (FUND 319)** (11:49 a.m.)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, regarding endorsement of the Guiding Principles for the “One Penny for Housing” Flexibility (Fund 319).

Discussion ensued, with input from Paula Sampson, Director, Department of Housing and Community Development regarding Attachment A of the Board Item, “A New Housing Will Be Produced.”

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board endorse the Guiding Principles, but remove the bullet “New Housing Will Be Produced” and replace it with a new bullet toward the end that states “under appropriate circumstances, these funds can be used for new production.” Supervisor McConnell seconded the motion, and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

24. **I-1 – CONTRACT AWARD – RADIO FREQUENCY ENGINEERING CONSULTANTS** (11:56 a.m.)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, requesting authorization for staff to award a contract to RCC Consultants, Incorporated, for radio frequency engineering consultants.

Discussion ensued, with input from Cathy A. Muse, Director, Department of Purchasing and Supply Management, and Anthony H. Griffin, County Executive, regarding the current radio shop and women and minority-owned contracts with the County.

The staff was directed administratively to proceed as proposed.

25. **I-2 – FAIRFAX CONNECTOR MARKETING INITIATIVES INCLUDING A NEW LOOK AND LOGO FOR BUSES, HISPANIC OUTREACH, AND TWENTIETH ANNIVERSARY EVENTS** (11:59 a.m.)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, announcing the FAIRFAX CONNECTOR'S marketing initiatives which include a new look and logo for buses, Hispanic Outreach, and twentieth anniversary events.

26. **I-3 – CONTRACT AWARD – LAKE FAIRFAX PARK CORE AREA PHASE II IMPROVEMENTS (HUNTER MILL DISTRICT)** (11:59 a.m.)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, requesting authorization for the Park Authority to award a contract to Studio 3 Architects PC, of McLean, Virginia, in the amount of \$411,335, for Project 475804, Building Renovations/Expansion, in Fund 370, Park Authority Bond Construction, for the preparation of design and construction documents for phase II improvements to the Lake Fairfax Park core area, and for construction administration and special inspection services required during the construction phase.

The staff was directed administratively to proceed as proposed.

27. **I-4 – CONTRACT AWARD – LAUREL HILL GOLF CLUB CLUBHOUSE INTERIOR FINISHES (MOUNT VERNON DISTRICT)** (11:59 a.m.)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, requesting authorization for the Park Authority to award a contract to Tren Construction, Incorporated, in the amount of \$449,859 for the installation of interior finishes at the clubhouse, Project 004790, Laurel Hill Golf Improvements, in Fund 371, Park Capital Improvement Fund.

Following a brief discussion regarding the Laurel Hill Golf Course, the staff was directed administratively to proceed as proposed.

28. **I-5 – PLANNING COMMISSION ACTION ON PUBLIC FACILITY APPLICATION 2232-Y04-19, NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INCORPORATED (SULLY DISTRICT)** (12 noon)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, announcing the Planning Commission's approval of Public Facility Application 2232-Y04-19, for Nextel Communications of the Mid-Atlantic, Incorporated.

29. **I-6 – PLANNING COMMISSION ACTION ON PUBLIC FACILITY APPLICATION 2232-V04-16, FAIRFAX COUNTY PARK AUTHORITY (MOUNT VERNON DISTRICT)** (12 noon)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, announcing the Planning Commission's approval of Public Facility Application 2232-V04-16, Fairfax County Park Authority.

30. **I-7 – CONTRACT AWARD – HUNTLEY MEADOWS PARK – BARNYARD RUN STREAM REHABILITATION (LEE DISTRICT)** (12 noon)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, requesting authorization for staff to award a contract to Environmental Quality Resources LLC, in the amount of \$143,717.29, for the construction of Huntley Meadows Park – Barnyard Run Stream Rehabilitation, Project 475098, Natural and Cultural Resource Facilities, in Fund 370, Park Bond Construction. The project involves stream rehabilitation of a segment of Barnyard Run in Huntley Meadows using bio-engineering technology.

The staff was directed administratively to proceed as proposed.

31. **I-8 - CONTRACT AWARD – REPAIR/REPLACEMENT OF SEWER SAGS – GROUP III (DRANESVILLE AND MOUNT VERNON DISTRICTS)** (12 noon)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, requesting authorization for staff to award a contract to Sagres Construction Corporation, in the amount of \$1,134,160, for the Repair/Replacement of Sewer Sags – Group III, in Project X00905, Replacement and Transmission, in Fund 402, Sewer Construction Improvements.

The staff was directed administratively to proceed as proposed.

32. **I-9 – AGREEMENT BETWEEN THE CITY OF FAIRFAX AND THE COUNTY OF FAIRFAX FOR CONSTRUCTION OF A TURN LANE ON MAIN STREET (PROVIDENCE DISTRICT)** (12:01 p.m.)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, requesting authorization for the County Executive to execute an agreement with the City of Fairfax for the construction of the right turn lane from Main Street onto West Street as part of Project 009209, Judicial Center Expansion and Renovation in Fund 312, Public Safety Construction.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to:

- Schedule a meeting of the Board's City of Fairfax Committee with the City Council.
- Provide an update of the work being done to Little River Turnpike in the City of Fairfax and the potential effects on County traffic.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The staff was directed administratively to proceed as proposed.

33. **I-10 – INVESTING IN COMMUNITIES PROGRAM (ICP) GRANTS FOR TEN OR MORE FACADE IMPROVEMENT PROGRAM (FIP) PROJECTS ADMINISTERED BY THE SOUTHEAST FAIRFAX DEVELOPMENT CORPORATION (SFDC) (LEE AND MOUNT VERNON DISTRICTS)** (12:01 p.m.)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, presenting the ICP and FIP projects administered by SFDC.

34. **I-11 – CONTRACT AWARD FOR PHYSICAL ASSESSMENT/REHABILITATION FOR STORMWATER INFRASTRUCTURE** (12:02 p.m.)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, requesting authorization for staff to award a contract to Malcolm Pirnie, Incorporated, in the amount of \$2,736,912 for Fiscal Year 2006, to provide consulting and engineering design services for Project FX60000, Infrastructure Replacement Program, in Fund 318, Stormwater Management Program.

35. **I-12 – PLANNING COMMISSION ACTION ON PUBLIC FACILITY APPLICATION 2232-S05-15, FAIRFAX COUNTY FACILITIES MANAGEMENT DEPARTMENT (SPRINGFIELD DISTRICT)** (12:02 p.m.)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, announcing the Planning Commission's approval of Public Facility Application 2232-S05-15, Fairfax County Facilities Management Department.

36. **I-13 – PLANNING COMMISSION ACTION ON PUBLIC FACILITY APPLICATION 2232-V05-18, APC REALTY AND EQUIPMENT COMPANY, LLC/SPRINT PCS (MOUNT VERNON DISTRICT)** (12:02 p.m.)

The Board next considered an item contained in the Board Agenda dated November 21, 2005, announcing the Planning Commission's approval of Public Facility Application 2232-V05-18, APC Realty and Equipment Company, LLC/Sprint PCS.

ADDITIONAL BOARD MATTERS

NV:nv

37. **UPDATE ON FAIRFAX FAMILIES CARE** (12:03 p.m.)

(NOTE: Earlier in the meeting, the Board recognized the Fairfax Families Care Coalition for its work. See Clerk's Summary Item CL#8.)

Chairman Connolly provided an update on Fairfax Families Care and the number of people served.

38. **WASHINGTON BUSINESS JOURNAL'S RECOGNITION OF FAIRFAX COUNTY COMPANIES** (12:04 p.m.)

Chairman Connolly stated that the *Washington Business Journal* annually names 50 Washington-area companies to its Fastest Growing Companies list based on revenue growth over the previous three years. He announced that the 2005 list, which he circulated to the Board, includes 26 companies from the County, more than three-quarters of the 33 companies from Virginia that are on the list. Accordingly, he relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board congratulate the County winners for this significant achievement and wish them continued success in the County. He noted that there will be an event to honor the winners. Without objection, it was so ordered.

Supervisor Hyland pointed out that the list showed a Fairfax County company as being based in Alexandria. He noted his concern over the confusion in the press of County locations holding Alexandria (postal) addresses. Supervisor Smyth noted the additional confusion with the City of Falls Church and County addresses.

39. **ROUTE 28 TAX DISTRICT (HUNTER MILL AND SULLY DISTRICTS)** (12:06 p.m.)

(BACs) Jointly with Supervisor Frey, Chairman Connolly noted that Route 28 is one of the main north-south arteries in Western Fairfax and is currently being upgraded

through the construction of several interchanges between I-66 and the Loudoun County line. These interchanges are being partially funded by landowners within the Route 28 Tax District Corridor.

Chairman Connolly said that while construction is proceeding at a brisk pace, and the recently-constructed interchanges are improving traffic flow, some at-grade intersections will remain on Route 28. The Route 28 Tax District Commission would like to apply for a loan under Virginia's "Transportation Partnership Opportunity Fund" for construction of these remaining interchanges. The loan money, which would be provided by the State interest-free, would be repaid from future property tax collections within the special tax district.

Jointly with Supervisor Frey, Chairman Connolly moved that the Board:

- Endorse the Route 28 Tax District Commission's request to apply for monies from the Transportation Partnership Opportunity Fund of the State to finance additional improvements to the Route 28 Corridor.
- Authorize the Chairman to send a letter to the Route 28 Tax District Commission informing it of the Board's action.

Supervisor Frey seconded the motion.

Following a brief discussion, the question was called on the motion, which carried by unanimous vote.

40. **RECOGNIZING FASTRAN'S TWENTIETH ANNIVERSARY** (12:08 p.m.)

With reference to his written Board Matter on the subject, Chairman Connolly announced with pleasure the twentieth anniversary of FASTRAN. Accordingly, he asked unanimous consent that the Board direct staff to invite staff from FASTRAN and its contractors to appear before the Board at an appropriate time to be recognized on the occasion of FASTRAN's twentieth anniversary. Without objection, it was so ordered.

41. **CAPITAL CONSTRUCTION FISCAL YEAR (FY) 2005 COMPLETED PROJECTS REPORT** (12:09 p.m.)

Chairman Connolly called the Board's attention to the list of capital construction projects completed in FY 2005. A total of 96 projects were completed in FY 2005, a 71 percent increase over the 56 projects completed in FY 2004.

Accordingly, Chairman Connolly asked unanimous consent that the Board direct staff to invite Jimmie Jenkins, Director, Department of Public Works and Environmental Services, along with other appropriate staff, to appear before the

Board, at an appropriate time, to receive recognition for this outstanding effort. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

42. **OAKTON LIBRARY APPLICATIONS (PROVIDENCE DISTRICT)**
(12:10 p.m.)

Supervisor Smyth stated that the planning for the Oakton Library has progressed to the point that the Proffered Condition Amendment/Final Development Plan Amendment Application PCA/FDPA 1998-PR-027 has been submitted to, and accepted by, the Department of Planning and Zoning (DPZ). To facilitate the next step, she moved that the Board direct DPZ staff to expedite the review of the applications. She noted that this motion does not relieve the applicants from compliance with the provisions of all applicable ordinances, regulations, and adopted standards, and does not prejudice in any way the consideration of the pending review of the applications. Chairman Connolly seconded the motion, which carried by unanimous vote.

43. **NUTLEY STREET: NO PARKING RESTRICTION (PROVIDENCE DISTRICT)** (12:10 p.m.)

With reference to her written Board Matter on the subject, Supervisor Smyth noted that she received complaints about parking issues on Nutley Street. Accordingly, she moved that the County work in collaboration with the Virginia Department of Transportation to expeditiously resolve this parking issue so that this critical transportation link can be restored to its intended use. Chairman Connolly seconded the motion.

Following a brief discussion regarding the commercial vehicles parking there, the question was called on the motion, which carried by a vote of nine, Supervisor Kauffman being out of the room.

44. **TEMPORARY EXTENSION OF THE JAMES LEE CONSERVATION PLAN (PROVIDENCE DISTRICT)** (12:12 p.m.)

- (R) Supervisor Smyth noted that the Board adopted the James Lee Neighborhood Improvement Program and Conservation Plan on December 8, 1980. The plan is now expiring and efforts are in place to extend it.

Accordingly, Supervisor Smyth moved that the Board:

- Adopt an emergency Resolution to extend the effectiveness of the James Lee Conservation Plan temporarily for 60 days from this date, November 21, 2005, to allow the Redevelopment and Housing Authority to hold a public hearing on December 15 on a

proposal to amend the expiration date of the Conservation Plan by six months to June 15, 2006.

- Authorize a public hearing to be held before the Board on January 9, 2005,* (sic) for a six month extension, which would allow adequate time to obtain public input on any proposed amendments to the Conservation Plan and to coordinate with the appropriate County agencies which must review proposed final amendments to the Conservation Plan.
- Direct staff in the Department of Housing and Community Development to coordinate with their counterparts in the City of Falls Church to effectively coordinate the extension and possible modifications to the Conservation District Plan. A portion of the Conservation Plan is located in the City of Falls Church, but the aforementioned temporary extensions would apply only to the area with the County's jurisdiction.

Supervisor Smyth stipulated that these motions do not prejudice, in any way, the consideration of the pending review of amendments to the James Lee Conservation Plan.

Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Vice-Chairman Bulova voting "AYE," Chairman Connolly being out of the room.

(*NOTE: Later in the meeting, the Board corrected this date to 2006. See Clerk's Summary Item CL#47.)

45. **WEEKLY AGENDA** (12:14 p.m.)

With reference to her written Board Matter on the subject, Supervisor Smyth said that people tell her that they are unaware of County actions and meetings. She expressed her belief that part of this is because there is no printed *Weekly Agenda* newspaper produced by the County and sent by US Mail. It currently exists in electronic format only.

Accordingly, Supervisor Smyth moved that the Board direct staff to examine all aspects of resuming the *Weekly Agenda* as an important communication material in service to County residents. Supervisor Hyland seconded the motion.

Following discussion regarding the cost, with input from Merni Fitzgerald, Director, Office of Public Affairs, and Anthony H. Griffin, County Executive, Chairman Connolly clarified the motion as examining all aspects of resuming the

publication in written form, including fiscal implication, to reach all elements of the community, and returning with a recommendation.

Following further discussion regarding the format and paper form, the question was called on the question, which carried by unanimous vote.

46. **HABITAT FOR HUMANITY HOUSE** (12:18 p.m.)

Supervisor Smyth noted that she and Chairman Connolly recently attended the dedication of the fiftieth home in the County for Habitat for Humanity. She said that the Board had scheduled a date for Board Members to work on a Habitat home, but the date did not work out.

Discussion ensued with input from Catherine A. Chianese, Assistant to the County Executive, regarding her scheduling a January or February date for the Board to volunteer at the Habitat's first condominium project in the County.

Chairman Connolly noted that Habitat plans to build another 50 homes in the County over the next five years.

Supervisor Hyland announced that Habitat for Humanity has a reuse store located on Richmond Highway. Construction materials are available at bargain prices.

47. **CLARIFICATION ON THE MOTION FOR THE TEMPORARY EXTENSION OF THE JAMES LEE CONSERVATION PLAN (PROVIDENCE DISTRICT)** (12:21 p.m.)

(NOTE: Earlier in the meeting, the Board took action to schedule a public hearing regarding the James Lee Conservation Plan extension. See Clerk's Summary Item CL#44.)

Supervisor Bulova clarified that the date for the public hearing on the extension of the James Lee Conservation Plan should be January 9, **2006**, not 2005.

48. **NO BOARD MATTERS FOR MASON DISTRICT SUPERVISOR PENELOPE GROSS** (12:21 p.m.)

Supervisor Gross announced that she had no Board Matters to present.

49. **HOLIDAY PAY ISSUE** (12:22 p.m.)

With reference to his written Board Matter regarding holiday pay, Supervisor Hyland said that the issue was raised by a representative of the Police Association about workers on actual holidays and their entitlement to pay. Supervisor Hyland noted that he discussed this matter with the County Executive as well as Supervisor Gross, Chairman of the Board's Personnel Committee.

Accordingly, Supervisor Hyland asked unanimous consent that the Board refer this matter to the County Executive for his review and action. Without objection, it was so ordered.

50. **INOVA LORTON HEALTHPLEX EXPEDITED SCHEDULING REQUEST FOR REZONING APPLICATION RZ 2005-MV-029 (MOUNT VERNON DISTRICT)** (12:22 p.m.)

With respect to the Inova Lorton Healthplex, Supervisor Hyland moved that the Board direct the Department of Planning and Zoning to schedule Rezoning Application RZ-2005-MV-029 at the first Board meeting following the Planning Commission's hearings. He noted that, as always, approval of this motion shall in no way prejudice the substantive review of the pending rezoning. This motion, the second to which was inaudible, carried by unanimous vote.

51. **OUT-OF-TURN PLAN AMENDMENT FOR NORTH HILL SITE, TAX MAP 94-4((1)) 82A (MOUNT VERNON DISTRICT)** (12:23 p.m.)

With regard to his third written Board Matter, Supervisor Hyland said that soon after the deadline to submit Annual Plan Review (APR) nominations, he was copied on a nomination that was submitted, but, due to some administrative issues, did not reach the Planning Commission before the September 21, 2005, date. The nomination is to change the comprehensive plan language regarding the North Hill/Woodley Hill site, a 48.6 acre site just south of Beacon Hill.

Accordingly, Supervisor Hyland moved that the Board authorize an Out-of-Turn Plan Amendment for the North Hill site and refer this amendment to Mount Vernon's APR Task Force for consideration with the other APR nominations. Supervisor McConnell seconded the motion.

Following discussion regarding Supervisor Kauffman's reservations about the nomination, the question was called on the motion, which carried by unanimous vote.

52. **UPDATE ON FEDERAL FUNDING FOR RICHMOND HIGHWAY (LEE AND MOUNT VERNON DISTRICTS)** (12:25 p.m.)

Supervisor Hyland stated that he received a phone call from Congressman Moran informing him that Congressman Moran and Congressman Davis had obtained \$2.4 million for the Richmond Highway Express (REX) bus service, bringing the amount of Federal assistance to \$7.4 million. In addition to this, Supervisor Hyland said that there is funding earmarked for the connector road that will replace Woodlawn Road Replacement Project that will one day link Richmond Highway and Telegraph Road through Fort Belvoir. The Army Corps of Engineers is working to build the replacement road to reduce congestion that continues to disrupt traffic flow in the region. To date, this project has received \$14.97 million.

Therefore, jointly with Chairman Connolly and Supervisor Kauffman, Supervisor Hyland asked unanimous consent that the Board send a letter of thanks to Congressmen Moran and Davis signed by the Chairman on behalf of the Board. Without objection, it was so ordered.

53. **ADDITIONAL BOARD MATTER TO BE PRESENTED BY SUPERVISOR HYLAND** (12:25 p.m.)

Supervisor Hyland noted that he would be presenting another Board Matter prior to the end of the meeting.

(NOTE: Later in the meeting, Supervisor Hyland presented another Board Matter. See Clerk's Summary Item CL#112.)

54. **NATIONAL MENTORING MONTH – JANUARY 2006** (12:26 p.m.)

With reference to her written Board Matter on the subject, Supervisor Bulova said that the Fairfax Mentoring Partnership, an initiative of the Fairfax Partnership for Youth, is a Countywide coalition that partners with more than 30 organizations.

Accordingly, Supervisor Bulova moved that the Board direct the Office of Public Affairs to:

- Prepare a proclamation designating January 2006 as “*National Mentoring Month*” in Fairfax County.
- Invite representatives from the Fairfax Partnership for Youth and the Fairfax Mentoring Partnership to appear before the Board to accept this proclamation.

Chairman Connolly seconded the motion and it carried by unanimous vote.

There was a brief inquiry to Merni Fitzgerald, Director, Office of Public Affairs, regarding the upcoming schedule for presentations.

55. **JOINT RESOLUTION BETWEEN SUPERVISOR SHARON BULOVA AND SUPERVISOR ELAINE MCCONNELL TO HONOR MS. DIANE MILLER (BRADDOCK AND SPRINGFIELD DISTRICTS)** (12:26 p.m.)

Supervisor Bulova said that an avid field hockey player from her own high school days, Ms. Diane Miller has been active in playing and promoting the sport since the 1970s. Supervisor Bulova's written Board matter outlined Ms. Miller's many accomplishments.

Therefore, Supervisor Bulova and Supervisor McConnell jointly asked unanimous consent that the Board direct staff to invite Ms. Miller to appear before the Board

to be honored for her 25 years of exceptional coaching and mentoring to her athletes. Without objection, it was so ordered.

56. **LAUREL HILL (MOUNT VERNON DISTRICT)** (12:27 p.m.)

(Verbatim) Supervisor Bulova said that the Board has taken several steps in support of transforming Laurel Hill into a world class asset. This includes the Board's unanimous support in December 2004 of the recommendations by the Board-appointed task force for the reformatory and penitentiary area, the authorization of an Out-of-Turn Plan Amendment to re-plan the prison site, the creation of the Laurel Hill Project Advisory Citizens Oversight Committee, and the authorization of funding for a project manager and consulting services related to the reformatory-penitentiary reuse project. On October 17 another milestone was achieved when the Board voted to support the nomination of the 512-acre district at Laurel Hill to the National Register of Historic Places. She noted that an additional motion regarding the possible movement of School transportation functions from Laurel Hill Elementary School was also passed by the Board at its last meeting.

Supervisor Bulova said that it is important for the Board to make it clear that its endorsement of the National Register nomination did not add further restrictions to potential development partners in the Board's adaptive reuse plan. She added that it is important for the Board to provide guidance regarding the out-of-turn Plan amendment, the drafting for the Request for Proposal (RFP) for the adaptive reuse area, and the review of responses to the RFP. She cited as an example the National Historic Register nomination, which identifies 194 buildings, structures, sites and objects, and is an honorary designation. The Board's Memorandum of Agreement (MOA) is the document agreed to by all parties as part of the transfer of Laurel Hill from the federal government to the County in 2002. The MOA identifies a process for review of reuse proposals which may include alteration or demolition of some structures. According to an opinion by the County Attorney's Office, "The terms of the MOA apply only to the 136 contributing structures and 106 non-contributing structures referenced in the Memorandum . . ."

Therefore, Supervisor Bulova moved that the Board:

- Reiterate its support of the adaptive reuse recommendations adopted by the Board on December 6, 2004, for the reformatory and penitentiary area at Laurel Hill, as well as the 2002 MOA.
- Direct staff to use the recommendations adopted in those documents as guidance in drafting the Out-of-Turn Plan Amendment and the RFP for the reformatory and penitentiary area. This guidance extends to staff and all review boards and committees for the review of responses to the RFP. Buildings, structure, sites, and objects that are not identified in the MOA may

be included in the adaptive reuse proposals, but are not subject to the terms of the MOA.

Supervisor Bulova noted that this was a clarifying motion.

Supervisor Gross seconded the motion, and discussion ensued regarding the Board's October 17 action on the National Register nomination.

The question was called on the clarifying motion, which carried by unanimous vote.

Upon an inquiry from Chairman Connolly regarding finding an alternative for the Lorton Elementary School site, Supervisor Hyland expressed for the record no objection to providing latitude to the County Executive to look not only at the former Lorton prison site, but to the immediate vicinity as well.

A brief discussion ensued with clarification from Anthony H. Griffin, County Executive.

PMH:pmh

57. **AFFORDABILITY OF RESIDENTIAL UNITS IN HIGH RISE DEVELOPMENT AND THE ADDITION OF WORKFORCE HOUSING THROUGHOUT THE COUNTY** (12:41 p.m.)

(BACs) Supervisor Hudgins said that as an informational item to the Board, below are the names of the individuals who have agreed to serve as a panel of experts to review and research the Unidev, LLC analysis regarding the affordability of residential units in high rise development and the addition of workforce housing throughout the County. This panel will work with staff from the Department of Housing and Community Development, the Department of Planning and Zoning, and the Office of the County Attorney in conjunction with the Affordable Housing Task Force.

Supervisor Hudgins noted that the membership exceeds the expected number as presented in the October 17, 2005, Board Matter, but reflects appropriate representation to thoroughly address the matter. The members are:

- Lee Rau, Commissioner, Hunter Mill District, Fairfax County Redevelopment and Housing Authority-Chair
- Walter Alcorn, Commissioner At-Large, Fairfax County Planning Commission
- Bill Berry, The Berry Companies
- Jim Edmondson, Unidev, LLC

- Lee Fifer, McGuire Woods
- Rick Hausler, President, KSI
- Chris Lessard, The Lessard Architectural Group
- Jan Maxwell, Chevy Chase Bank
- Mike Scheurer, Senior Deputy Director, Fannie Mae of Northern Virginia Partnership Office
- Barry Schwartz, Renaissance Housing Corporation
- Conrad Egan, Chair and Commissioner, Fairfax County Redevelopment and Housing Authority

Per the October 17 Board Matter, recommendations will be forwarded to the Board in the January 2006 timeframe.

58. **DULLES TOLL ROAD SURPLUS TOLL FUNDS** (12:42 p.m.)

Supervisor Hudgins said that one year ago, she presented a Board Matter which resulted in the Board writing the Virginia Department of Transportation (VDOT) to look further into the use of Dulles Toll Road surplus toll funds. After staff reviewed the information provided by former Secretary Clement, the follow up question was asked:

- “In the information showing the maintenance cost among toll facilities in Virginia, the Dulles Toll Road has the second highest maintenance cost per lane mile, second only to the George P. Coleman Bridge. Please provide more information on the factors why the Dulles Toll Road has the highest maintenance cost per lane mile among non-bridge toll facilities in Virginia.”

Within the response to this question was the following:

- “Ordinary roadway maintenance and snow removal costs are budgeted and paid by the Dulles Toll Road. These costs for the Powhite Parkway Extension Toll Road and George P. Coleman Bridge are borne by VDOT.”

Therefore, Supervisor Hudgins asked unanimous consent that the Board again request VDOT to shed some light on the use of Dulles Toll Road surplus funds, and clarify for the Board why maintenance and snow removal costs are being funded by local toll funds rather than VDOT maintenance funds. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair the Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to ensure that outstanding Board requests are being tracked. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

59. **REAL ESTATE TAX RELIEF PROGRAM FOR THE ELDERLY AND DISABLED** (12:43 p.m.)

Supervisor Hudgins said that on October 17, 2005, the Board approved an expansion of the Real Estate Tax Relief Program for the Elderly and Disabled, with expansion of asset and income levels to the State maximums of \$340,000 and \$72,000 respectively.

The Hunter Mill District office and the Town of Vienna have received telephone calls inquiring about the tax relief expansion. In response to these inquiries, a Tax Relief Workshop on the expansion will be held on November 30, 2005, from 7 p.m. until 9 p.m. at the Vienna Community Center.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to disseminate the Tax Relief Workshop information to relative media outlets announcing this event. Without objection, it was so ordered.

60. **CERTIFICATE OF RECOGNITION FOR MR. STEPHEN HOCKETT (HUNTER MILL DISTRICT)** (12:44 p.m.)

Supervisor Hudgins said that Stephen Hockett, the new principal of McNair Elementary School and the former principal of Hunters Woods Elementary School, has been named as a recipient of *The Washington Post* Distinguished Educational Leadership Award which was presented to 20 principals within the metropolitan region.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to invite Mr. Hockett to appear before the Board to receive a certificate of recognition for his selection as a recipient of *The Washington Post* Distinguished Educational Leadership Award. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board extended the recognition to another school principal. See Clerk's Summary Item CL#72.)

61. **CERTIFICATE OF RECOGNITION FOR MS. NANCY BURKE
(HUNTER MILL DISTRICT)** (12:45 p.m.)

Supervisor Hudgins said that as a health and physical education teacher and head athletic trainer, Nancy Burke has been a presence at South Lakes High School since it opened in 1978. Employed by the County Public Schools since 1976, she served under all six principals and attended all 27 graduations at South Lakes.

Supervisor Hudgins referred to her written Board Matter and reviewed Ms. Burke's many accomplishments.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a resolution recognizing Ms. Burke's many accomplishments upon her retirement from the County Public Schools and invite her to appear before the Board to receive it. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to schedule the presentation for the second meeting in January 2006. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

62. **HUNTER MILL DISTRICT COAT CLOSET** (12:45 p.m.)

Supervisor Hudgins announced that just in time for the cold weather, November 15, 2005, marked the beginning of the 2005 - 2006 Hunter Mill District Coat Closet for adults and children in need of winter coats. Co-sponsored with Reston Interfaith, this is the fourth annual Coat Closet.

The Coat Closet will be open Tuesdays, 10 a.m. – 12 noon; Thursdays, 5 p.m. – 8 p.m.; and Saturdays, 10 a.m. – 1 p.m., for those in need of coats and those making tax deductible donations of coats.

Volunteers are needed to assist clients in selecting coats, greet donors, and sort donations. Contact Susan Stolpe by telephone at 571-323-9569 or by email at Susan.Stolpe@restoninterfaith.org to volunteer.

The Coat Closet is an example of how government, non-profits, and the community at-large work together for the betterment of the community. She applauded, in advance, Reston Interfaith, the corps of volunteers, and all those who will contribute to making this year's Coat Closet a success.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct the Office of Public Affairs to assist in disseminating information on the Hunter Mill Coat Closet so that many more may take advantage of the kindness and generosity of donors. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to promote those non-profits and charities in the community that are extending Thanksgiving dinners available to those in need. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

63. **INTENT TO DEFER PUBLIC HEARINGS** (12:48 p.m.)

Supervisor Kauffman announced his intent, later in the meeting, at the appropriate time, to defer the public hearing on Special Exception Application SE 2005-LE-018 until December 5 at 3 p.m.

Chairman Connolly announced the following additional public hearings to be deferred:

- Special Exception Amendment Application SEA 93-H-060
- Rezoning Application RZ 2004-MV-011
- Proffered Condition Amendment Application PCA 89-V-062-2
- Special Exception Application SE 2004-MV-011
- Rezoning Application RZ 2005-MV-001
- Rezoning Application RZ 2003-MV-060/Final Development Plan Application FDP 2003-MV-060

(NOTE: Later in the meeting, these public hearings were formally deferred. See Clerk's Summary Items CL#80, CL#81, CL#91, CL#105, and CL#106)

64. **CERTIFICATE OF RECOGNITION FOR MR. DENNIS HILL** (12:48 p.m.)

Supervisor Kauffmann announced that the end of the year, Mr. Dennis Hill will retire from the Health Department after 36 years of dedicated service to the citizens of the County. He referred to his written Board Matter and outlined Mr. Hill's many accomplishments.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to invite Mr. Hill to appear before the Board at its December 5 meeting for formal recognition. Without objection, it was so ordered.

65. **METRO PUBLIC FORUM FORMAT** (12:49 p.m.)

Supervisor Kauffman noted that a Metro Public Forum was held on November 1 at Oakton High School regarding the sale of some land owned by Metro. He said that a new format had been developed to better address the issues.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to review the format and provide suggestions for improvement. Without objection, it was so ordered.

A brief discussion ensued regarding the success and format of the forum.

66. **MULFORD SCHOOL (SULLY DISTRICT)** (12:55 p.m.)

Supervisor Frey said that Special Exception Application SE 2003-SU-001 was approved by the Board to permit the relocation of the Mulford School to its location on Route 29, and the school opened its doors earlier this year. Subsequent to the special exception, the Mulfords acquired additional adjacent property and propose to incorporate it into the school, to expand programs and activities offered at the school, and to modify certain uses within the existing building. To permit a seamless transition, the Mulfords have requested the Board's assistance in allowing concurrent processing of the necessary plans as well as a date certain for the Board's public hearing.

Therefore, Supervisor Frey moved that the Board:

- Authorize concurrent processing of the zoning and site plans.
- Direct staff to schedule a public hearing to be held before the Board to occur immediately after the Planning Commission decision.

The applicants understand that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the application in any way. Supervisor Hyland seconded the motion and it carried by unanimous vote.

67. **EXPEDITED AND CONCURRENT PROCESSING REQUEST FOR MOUNT OLIVE BAPTIST CHURCH – PROFFERED CONDITION AMENDMENT APPLICATION PCA 00-Y-001 AND SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 00-Y-004 (SULLY DISTRICT)** (12:55 p.m.)

Supervisor Frey said that in 2000, the Board approved rezoning and special exception applications to permit expansion of Mount Olive Baptist Church. In preparing the site plan, the Church has determined that saving the original structure is neither feasible nor desirable, and that a revised footprint is better

suited to their needs. Unfortunately, the change will require a proffered condition amendment and a special exception amendment. To keep its timetable, the Church has requested that the Board authorize expedited processing of the zoning applications and concurrent processing of the site plans.

Therefore, Supervisor Frey moved that the:

- Review for Proffered Condition Amendment Application PCA 00-Y-001 and Special Exception Amendment Application SEA 00-Y-004 be expedited to the extent feasible.
- Board direct staff to schedule a public hearing to be held before the Board to occur immediately after the Planning Commission public hearing.
- Board direct staff to process the subdivision and site plans concurrently with the consideration of Proffered Condition Amendment Application PCA 00-Y-001 and Special Exception Amendment Application SEA 00-Y-004.

The applicants understand that this motion will not prejudice the consideration of the applications in any way. Supervisor Hyland seconded the motion and it carried by unanimous vote.

68. **ATLANTIC REALTY COMPANIES – OUT-OF-TURN PLAN AMENDMENT (SULLY DISTRICT)** (12:57 p.m.)

Supervisor Frey said that Atlantic Realty Companies has been working on a deferred North County Area Plan Review Nomination with the Department of Transportation and the Department of Planning and Zoning (DPZ) on the Dominion Power property on Route 50. They have contracted to purchase the abutting property to the east, which was the subject of another APR item requesting a residential designation, and it was denied earlier this year. That property will complete the development in this area of Route 50. Atlantic is proposing to develop the PDC zoned property with a medical office and an assisted living/independent living facility. While assisted living is a secondary use in the PDC District, DPZ has determined that the office designation in the current Comprehensive Plan limits development to only office. The Plan text needs a minor amendment to add more flexibility.

Therefore, Supervisor Frey moved that the Board authorize staff to prepare and schedule a public hearing to be held before the Board for an Out-of-Turn Plan Amendment for Sub-Unit A-6 of the Fairfax Center Area Plan to include an assisted living/independent living facility as an appropriate secondary use. Supervisor Hyland seconded the motion and it carried by unanimous vote.

69. **TRAFFIC ISSUES** (12:59 p.m.)

Supervisor Frey referred to traffic issues in Northern Virginia and he moved that the Board send a letter to the Governor-elect for his outreach efforts and ask that he schedule another public hearing in Fairfax County.

Following discussion regarding the schedule of public hearings, Supervisor Frey withdrew his motion.

70. **NO BOARD MATTERS FOR SUPERVISOR McCONNELL (SPRINGFIELD DISTRICT)** (1:02 p.m.)

Supervisor McConnell announced that she had no Board Matters to present today.

71. **AUTHORIZATION FOR WINCHESTER HOMES, INCORPORATED TO FILE AMENDED REZONING APPLICATION (DRANESVILLE DISTRICT)** (1:02 p.m.)

Supervisor DuBois said that the motion represents an authorization for the filing of an amended rezoning application by Winchester Homes that includes right-of-way and property owned by the Board. This property is located south of Lewinsville Road, north of the Dulles Toll Road and west of Spring Hill Road. The applicant seeks to rezone an R-1 parcel of land to the PDH-3 District. On February 28, 2005, the Board previously authorized the filing of an application which included a portion of Gordon Lane (Route 3493) between Lewinsville Road (Route 694) and Odrick's Lane (Route 3495). Winchester Homes has since consolidated several additional parcels and is now seeking to amend its application to include additional right-of-way and property owned by the Board, comprising most of Gordon Lane, all of the right-of-way for Odrick's Lane, and a portion of Tax Map Number 29-1-((1)), Lot 35A, a Board-owned former railroad right-of-way.

The proposed rezoning would vacate most of the existing Gordon Lane and all of Odrick's Lane, while realigning Gordon Lane to the middle of the proposed development. The proposed development would be shifted east, partially onto the Board-owned Parcel 35A, to better accommodate the realignment of Gordon Lane.

Supervisor DuBois moved that the Board authorize the filing of a rezoning on the portion of Gordon Lane (Route 3493), Odrick's Lane (Route 3495) and a portion of Tax Map Parcel 29-1-((1))-35A, as generally identified in the pending rezoning application filed in the name of Winchester Homes, Incorporated. This motion should not be construed as a favorable recommendation by the Board on the proposed application and does not relieve the applicant from compliance with the provisions of all applicable ordinances, regulations, or adopted standards. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

72. **MADIERA SCHOOL (DRANESVILLE DISTRICT)** (1:03 p.m.)

(NOTE: Earlier in the meeting, the Board requested the recognition of another school principal. See Clerk's Summary Item CL#60.)

Supervisor DuBois asked unanimous consent that the Board direct staff to also invite Elizabeth Griffith, headmistress of the Madiera School, to appear before the Board to be recognized for her achievement. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to schedule the presentation at either the first or second Board meeting in January 2006. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

73. **RECESS/CLOSED SESSION** (1:04 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Trust Communities, Inc. v. Fairfax County Board of Supervisors and the Fairfax County Health Department*, In Chancery No. CH-2005-0004664 (Fx. Co. Cir. Ct.) (Sully District)
 - 2. *The Trustees of the Fairfax Assembly of God Church and Centerpointe Church at Fair Oaks v. County of Fairfax, Virginia, and The Board of Supervisors of Fairfax County*, In Chancery No.

CH-2005-0004651 (Fx. Co. Cir. Ct.)
(Springfield District)

3. *West Lewinsville Heights Citizens Association, Stephen L. Sulzer, Leonard N. Berman, Daniel J. Wolkensdorfer, Donald N. Huff, and Robert F. Rosenbaum v. Board of Supervisors of Fairfax County, Virginia, Fairfax County Park Authority, and William E. Shoup, Fairfax County Zoning Administrator*, Record No. 042274; *Board of Zoning Appeals of Fairfax County v. Board of Supervisors of Fairfax County, Virginia, Fairfax County Park Authority, and William E. Shoup, Fairfax County Zoning Administrator*, Record No. 042326 (Sup. Ct. Va.) (Dranesville District)
4. *Board of Supervisors v. Church Street Group Limited Partnership, et al.*, At Law No. CL-2004-0223957 (Fx. Co. Cir. Ct.) (Hunter Mill District)
5. *Board of Supervisors of Fairfax County, Virginia, and William E. Shoup, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Androula Demetriou*, At Law No. CL-2005-0000362 (Fx. Co. Cir. Ct.) (Mount Vernon District)
6. *Roubin Associates, L.L.C. v. The Board of Supervisors of Fairfax County, Virginia*, In Chancery No. CH-2004-0192512 (Fx. Co. Cir. Ct.) (Mount Vernon District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Lancaster Landscapes, Inc., Earl R. Simpson, and Dale G. Simpson*, In Chancery No. CH-2005-0003549 and *Lancaster Landscapes, Inc. v. Board of Zoning Appeals of Fairfax County, Virginia*, At Law No. CL-2005-0002054 (Fx. Co. Cir. Ct.) (Providence District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Ronald E. Jerro*, In Chancery

No. CH-2004-0192143 (Fx. Co. Cir. Ct.)
(Dranesville District)

9. *William E. Shoup, Fairfax County Zoning Administrator v. Timothy L. Hockenberry, et al.*, In Chancery No. CH-2005-0001301 (Fx. Co. Cir. Ct.) (Providence District)
10. *Jane W. Gwinn, Fairfax County Zoning Administrator v. William R. White, et al.*, In Chancery No. CH-1999-0161689 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. Viren Investment, Inc.*, In Chancery No. CH-2005-0001300 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *William E. Shoup, Fairfax County Zoning Administrator v. E. Mallary Binns and Ercell H. Binns*, In Chancery No. CH-2004-0193641 (Fx. Co. Cir. Ct.) (Mason District)
13. *William E. Shoup, Fairfax County Zoning Administrator v. Richard H. Pleasants, IV*, In Chancery No. CH-2005-0002219 (Fx. Co. Cir. Ct.) (Mason District)
14. *William E. Shoup, Fairfax County Zoning Administrator v. Oscar Rivera*, In Chancery No. CH-2005-0003485 (Fx. Co. Cir. Ct.) (Sully District)
15. *William E. Shoup, Fairfax County Zoning Administrator v. Gerson O. Camacho and Carmen S. Camacho*, In Chancery No. CH-2005-0004204 (Fx. Co. Cir. Ct.) (Providence District)
16. *William E. Shoup, Fairfax County Zoning Administrator v. Jose O. Montecino, et al.*, In Chancery No. CH-2005-0003195 (Fx. Co. Cir. Ct.) (Sully District)
17. *William E. Shoup, Fairfax County Zoning Administrator v. Raul Moreno and Julia*

Aparacio, In Chancery No. CH-2005-0003810
(Fx. Co. Cir. Ct.) (Providence District)

18. *William E. Shoup, Fairfax County Zoning Administrator v. Omar Zamora and Leodan Alvarado*, In Chancery No. CH-2005-0001499
(Fx. Co. Cir. Ct.) (Mason District)
19. *William E. Shoup, Fairfax County Zoning Administrator v. Young D. Kim and Hyai Y. Kim*, In Chancery No. CH-2004-0193525 (Fx. Co. Cir. Ct.) (Braddock District)
20. *William E. Shoup, Fairfax County Zoning Administrator v. Elie Gharib and Celine Kawzaly*, In Chancery No. CH-2005-0004649
(Fx. Co. Cir. Ct.) (Dranesville District)
21. *William E. Shoup, Fairfax County Zoning Administrator v. Veena Railan*, In Chancery No. CH-2005-0005083 (Fx. Co. Cir. Ct.)
(Dranesville District)
22. *William E. Shoup, Fairfax County Zoning Administrator v. Barbara K. Kenniston*, In Chancery No. CH-2005-0004763 (Fx. Co. Cir. Ct.)
(Mount Vernon District)
23. *William E. Shoup, Fairfax County Zoning Administrator v. Luis A. Monterey*, In Chancery No. CH-2005-0005042 (Fx. Co. Cir. Ct.)
(Mason District)
24. *William E. Shoup, Fairfax County Zoning Administrator v. Barbara J. Hood*, In Chancery No. CH-2005-0005043 (Fx. Co. Cir. Ct.)
(Dranesville District)
25. *William E. Shoup, Fairfax County Zoning Administrator v. Amit K. Jain and All Time, Inc.*, In Chancery No. CH-2005-0004951 (Fx. Co. Cir. Ct.) (Sully District)
26. *Board of Supervisors of Fairfax County, Virginia v. JDT, L.L.C., et al.*, At Law No. CL-2005-0001598 (Fx. Co. Cir. Ct.) (Mount Vernon District)

27. *Board of Supervisors v. BPG Hotel Partners Limited Partnership, et al.*, At Law No. CL-2005-0003708 (Fx. Co. Cir. Ct.) (Mount Vernon District)
28. *Board of Supervisors v. TEV, L.L.C., et al.*, At Law No. CL-2005-0006400 (Fx. Co. Cir. Ct.) (Providence District)
29. *Board of Supervisors of Fairfax County, Virginia v. Jade Westbriar, Inc., et al.*, At Law No. CL-2005-0006343 (Fx. Co. Cir. Ct.) (Providence District)

And in addition:

- Fairfax County Women Firefighters' Association, et al. versus Fairfax County, et al.
- RQ05-776445-39C, Deferred Compensation for County Employees
- Virginia Code Section 24.2-108
- Parrish versus Brian Wancik, et al., At Law No. CL-2002-0202879
- Virginia Code Section 58.1-3115
- Board of Supervisors of Fairfax County, Virginia, et al. versus Board of Zoning Appeals of Fairfax County, Virginia, Young K. Lee, and Young A. Lee, At Law No. CL-2004-0221391

Supervisor Hyland seconded the motion, and it carried by unanimous vote.

DET:det

At 3:27 p.m. the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

74. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:27 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements

and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

75. **REIMBURSEMENT OF LEGAL EXPENSES FOR DALLAS L. DUDDING, SENIOR** (3:28 p.m.)

Supervisor Gross moved that the Board approve the payment of \$3,278.32 to Mr. Dallas L. Dudding, Senior, a County employee, to reimburse him, pursuant to Virginia Code Annotated § 15.2-1521, for legal fees and costs he expended to defend himself against a criminal charge for which he was acquitted that arose out of an act committed in the discharge of his official duties. Supervisor Hyland seconded the motion and it carried by unanimous vote.

76. **BOARD OF SUPERVISORS, ET AL. VERSUS BOARD OF ZONING APPEALS, ET AL., AT LAW NUMBER CL-2004-0221391** (3:28 p.m.)

Supervisor Smyth moved that the Board request the Court to enter an Order of Nonsuit in *Board of Supervisors of Fairfax County, Virginia, et al. versus Board of Zoning Appeals of Fairfax County, Virginia, et al.*, At Law Number CL-2004-0221391, according to the terms and conditions outlined by the County Attorney in closed session. This is being done because of the recent decision of the Supreme Court of Virginia in *West Lewinsville Heights Citizens Association, et al., versus Board of Supervisors of Fairfax County, Virginia, et al.*, Record Number 042274, and *Board of Zoning Appeals of Fairfax County versus Board of Supervisors of Fairfax County, Virginia, et al.*, Record Number 042326. Supervisor Bulova seconded the motion and it carried by unanimous vote.

77. **AUTHORIZATION FOR THE PURCHASE OF THE PROPERTY LOCATED AT 1447 WOODACRE DRIVE IN MCLEAN, VIRGINIA** (3:30 p.m.)

Supervisor DuBois moved that the Board authorize the purchase of the property located at 1447 Woodacre Drive in McLean, Virginia, which property has a real property identification number of 31-2 ((6)) parcel 8, on the terms and conditions outlined by the County Attorney in closed session and authorize and direct the County Executive to execute an agreement with the landowners for such purchase that is acceptable to the County Attorney. Supervisor Bulova seconded the motion and it carried by unanimous vote.

AGENDA ITEMS

78. **3 P.M. – PH ON REZONING APPLICATION RZ 2004-MV-030 (LUKEN COMPANY, LC) (MOUNT VERNON DISTRICT)** (No time)

(NOTE: Later in the meeting, this public hearing was held. See Clerk's Summary Item CL#102.)

79. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-MA-021 (SAFEWAY, INCORPORATED) (MASON DISTRICT)** (3:30 p.m.)

The application property is located in the Baileys Crossroads Shopping Center, Tax Map 61-2 ((1)) 72C.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

Chairman Connolly disclosed the following campaign contributions which he had received in excess of \$100 from:

- Safeway, Incorporated
- Venable LLP
- John G. Milliken, Venable LLP

Mr. Stearns had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Carrie Lee, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved approval of Special Exception Application SE 2005-MA-021, subject to the development conditions dated October 6, 2005. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

80. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 93-H-060 (COMMERCE BANK, N.A.) (HUNTER MILL DISTRICT)** (3:35 p.m.)

Supervisor Hudgins moved to defer the public hearing on Special Exception Amendment Application SEA 93-H-060 until **December 5, 2005, at 3 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

81. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-LE-018 (BRANCH BANKING AND TRUST COMPANY OF VIRGINIA) (LEE DISTRICT)** (3:36 p.m.)

Supervisor Kauffman moved to defer the public hearing on Special Exception Application SE 2005-LE-018 until **December 5, 2005, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

82. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-MA-019 (VIVLOW AND COMPANY, D/B/A COUNTRY WOODLAND) (MASON DISTRICT)** (3:36 p.m.)

The application property is located at 7152 Woodland Drive, Tax Map 71-3 ((7)) 24A and 25A.

Mr. Jeremy B. Root reaffirmed the validity of the affidavit for the record.

Mr. Root had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2005-MA-019, subject to the development conditions dated September 28, 2005.
- Modification of the transitional screening requirements along the northern, eastern, and western property boundaries in favor of the existing plant materials and an additional row of evergreens to be planted along the southern property boundary to supplement the existing vegetation.
- Waiver of the barrier requirements along all property boundaries in favor of the existing fencing material.

Supervisor DuBois seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor Smyth being out of the room.

83. **ORDERS OF THE DAY** (3:41 p.m.)

Chairman Connolly announced the consolidation of the 3 p.m. public hearing on Rezoning Application RZ 2005-SU-011 with the 3:30 p.m. public hearing on Rezoning Application RZ 2005-SU-013.

84. **3 P.M. – PH ON REZONING APPLICATION RZ 2005-SU-011 (RENAISSANCE AT RUGBY ROAD II, LLC) (SULLY DISTRICT)****AND****PH ON REZONING APPLICATION RZ 2005-SU-013 (RENAISSANCE HOUSING CORPORATION, A/K/A RENAISSANCE HOLDINGS CORPORATION) (SULLY DISTRICT)** (3:41 p.m.)

(Os) The Rezoning Application RZ 2005-SU-011 property is located in the northeast quadrant of the intersection of Rugby Road and Lee Jackson Memorial Highway, Tax Map 45-2 ((2)) 2, 3, 4, and 30.

The Rezoning Application RZ 2005-SU-013 property is located on the north side of Lee Jackson Memorial Highway approximately 675 feet west of Rugby Road, Tax Map 45-2 ((1)) 1A.

Ms. Sheri L. Hoy reaffirmed the validity of the affidavits for the record.

Chairman Connolly disclosed the following campaign contributions which he had received for Rezoning Applications RZ 2005-SU-011 and RZ 2005-SU-013:

- In excess of \$100 from Christian J. Lessard, party to this application, through Metropolitan Development and Cameron Financial LLC, which are not a party to this application.

Supervisor Frey disclosed the following campaign contributions which he had received for Rezoning Applications RZ 2005-SU-011 and RZ 2005-SU-013:

- In excess of \$100 from Carson Lee Fifer, Jr., McGuire Woods, LLP

Ms. Hoy had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Aaron Shriber, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-SU-011 from the R-1, HC, and WS Districts to the R-5, HC, and WS Districts, subject to the proffers dated November 21, 2005.
- Waiver of the service drive requirement along Lee Jackson Memorial Highway (Route 50).
- Waiver of the 600-foot maximum length requirement for private streets.
- Modification of the fence height limitation to permit a noise barrier to exceed seven feet in height.
- Waiver of the barrier requirement along the northern property boundary.

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross and Supervisor Kauffman being out of the room.

Supervisor Frey moved:

- Amendment to the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-SU-013 from the R-1, HC, and WS Districts to the PHD-3, HC, and WS Districts, subject to the proffers dated November 21, 2005.
- Waiver of the service drive requirement along Lee Jackson Memorial Highway (Route 50).
- Waiver of the 600-foot maximum length requirement for private streets.
- Modification of the fence height limitation to permit a noise barrier with a maximum height of eight-feet.
- Modification of the transitional screening requirement in favor of that shown on the Conceptual Development Plan/Final Development Plan.

Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins,

Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross and Supervisor Kauffman being out of the room.

On October 5, 2005, the Planning Commission approved Final Development Plan Application FDP-2005-SU-013.

85. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-SU-013 (RENAISSANCE HOUSING CORPORATION, A/K/A RENAISSANCE HOLDINGS CORPORATION) (SULLY DISTRICT)** (No Time)

(NOTE: Earlier in the meeting, this public hearing was held. See Clerk's Summary Item CL#84.)

86. **3:30 P.M. – PH ON REZONING APPLICATION 2005-SP-012 (JEFFREY A. GOLDBERG, MANAGER OF BO-BUD RESIDENTIAL LLC) (SPRINGFIELD DISTRICT)** (3:52 p.m.)

- (O) The application property is located in the southwest quadrant of the intersection of Lincoln Drive and Westbrook Drive, Tax Map 55-2 ((3)) R3.

Mr. John L. McBride reaffirmed the validity of the affidavit for the record.

Mr. McBride had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Chairman Connolly announced that the record would remain open for written testimony.

Carrie Lee, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-SP-012 from the R-1 and WS Districts to the R-2 and WS Districts, subject to the proffers dated November 9, 2005.
- That the Board direct the Director of the Department of Public Works and Environmental Services approve a dedication of the sidewalk in two locations, as that shown on the GDP, along the west side of Lincoln Drive, and along the west side of the proposed cul-de-sac.

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Kauffman being out of the room.

87. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-MV-041 (MHI HUNTINGTON LLC) (MOUNT VERNON DISTRICT)**

AND

SPECIAL EXCEPTION APPLICATION SE 2004-MV-035 (MHI HUNTINGTON LLC) (MOUNT VERNON DISTRICT) (3:58 p.m.)

- (O) The application property is located in the northwest quadrant of the intersection of Huntington Avenue and Hunting Creek Road and on the east and west sides of Foley Street, Tax Map 83-1 ((1)) 56, 57, 62A, 62B, 63-65, 67-74, 76, 76A, 78-80, 82, 83, and 85; 83-3 ((1)) 95-99; 83-1 ((18)) 1-4.

Ms. Tara E. Wiedeman reaffirmed the validity of the affidavit for the record.

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Christian J. Lessard, a party to this application, through Cameron Financial, LLC, which is not a party to this application.

Following a brief description of the application by Regina Coyle, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, discussion ensued regarding the proffers.

Ms. Wiedeman had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Ms. Coyle presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Amendment to the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-MV-041 from the R-4, R-8, and HC Districts to the PDH-8 and HC Districts and approval of its Conceptual Development Plan (CDP) subject to the proffers dated November 16, 2005, and the CDP conditions dated October 19, 2005.

- Approval of Special Exception Application SE 2004-MV-035, subject to the development conditions dated September 29, 2005.
- Modification of the transitional screening and barrier requirements adjacent to the single-family detached structures in favor of that shown on the CDP/FDP/SE Plat.
- Waiver of the requirement for a minimum 200 square foot privacy yard for single-family attached dwelling units.

Supervisor McConnell seconded the motion.

Following discussion regarding the application, the question was called on the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey and Supervisor Kauffman being out of the room.

88. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1999-SU-054 (BOARD OF SUPERVISORS' OWN MOTION) (SULLY DISTRICT)** (4:07 p.m.)

The application property is located at the terminus of Lowe Street at Vernacchia Drive, Tax Map 34-4 ((21)) (2) D.

Mr. Charles A. Hastings reaffirmed the validity of the affidavit for the record.

Mr. Hastings had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by one speaker, Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 1999-SU-054, subject to the proffers dated November 1, 2005. Supervisor Hyland seconded the motion.

Following discussion regarding the application, the question was called on the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

89. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 78-V-115 (JOHN B. LoGRANDE) (MOUNT VERNON DISTRICT)** (4:16 p.m.)

Supervisor Hyland moved to defer the public hearing on Special Exception Amendment Application SEA 78-V-115 to **January 9, 2005, at 3:30 p.m.** Chairman Connolly seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

90. **3:30 P.M. – PH ON AGRICULTURAL AND FORESTAL DISTRICT RENEWAL APPLICATION AR 88-S-001-2 (JOHN T. KINCHELOE) LOCAL AGRICULTURAL AND FORESTAL DISTRICT RENEWAL APPLICATION AUTHORIZED BY THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICTS) (SPRINGFIELD DISTRICT)** (4:16 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and November 10, 2005.

The application property is located in the southwest corner of the junction of Yates Ford Road and Evans Ford Road, Tax Map 85-1 ((1)) 10Z and 85-3 ((1)) 2Z.

Mr. John T. Kincheloe reaffirmed the validity of the affidavit for the record.

Mr. Kincheloe had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Approval of Local and Agricultural Forestal District Application AR 88-S-001-2.
- Adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F (Local Agricultural and Forestal Districts), renewing the Podolnick Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 12, 2005.

Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross,

Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE.”

91. **4 P.M. – PH ON REZONING APPLICATION RZ 2004-MV-011 (COLCHESTER LAND COMPANY LLC) (MOUNT VERNON DISTRICT)**

AND

PROFFERED CONDITION AMENDMENT APPLICATION PCA 89-V-062-2 (COLCHESTER LAND COMPANY LLC) (MOUNT VERNON DISTRICT)

AND

SPECIAL EXCEPTION APPLICATION SE 2004-MV-011 (COLCHESTER LAND COMPANY LLC) (MOUNT VERNON DISTRICT) (4:19 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2004-MV-011, Proffered Condition Amendment Application PCA 89-V-06202, and Special Exception Application SE 2004-MV-011 until **December 5, 2005, at 3 p.m.**

Following a query to Regina Thorn Corbett, Administrative Assistant, County Executive’s Office, regarding the number of hearings scheduled for the December 5 meeting, Chairman Connolly seconded the motion and it carried by unanimous vote.

92. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 92-P-036 (JEAN M. MCMAHON) (PROVIDENCE DISTRICT)** (4:21 p.m.)

The application property is located on the north side of Hilltop Avenue at its intersection with Cedar Lane, Tax Map 39-3 ((10)) 19B.

Mr. Keith C. Martin reaffirmed the validity of the affidavit for the record.

Mr. Martin had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved approval of Proffered Condition Amendment Application PCA 92-P-036 subject to the proffers dated November 17, 2005.

Supervisor DuBois seconded the motion and it carried by a vote of eight, Supervisor Kauffman and Supervisor McConnell being out of the room.

93. **4 P.M. – PH ON AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AR 91-D-006 (THE EAGLE FAMILY LIMITED PARTNERSHIP) LOCAL AGRICULTURAL AND FORESTAL DISTRICT RENEWAL APPLICATION AUTHORIZED BY THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICTS) (DRANESVILLE DISTRICT)** (4:25 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

The application property is located at 8008 Georgetown Pike, Tax Map 20-2 ((1)) 13Z and 48Z; 20-2 ((13)) 4Z and 5Z.

Mr. Thomas J. Sawyer reaffirmed the validity of the affidavit for the record.

Mr. Sawyer had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor DuBois moved:

- Approval of Local Agricultural Forestal District Application AR 91-D-006.
- Adoption of the proposed amendments to the Code of the County of Fairfax, Appendix F (Local Agricultural and Forestal Districts), renewing the Eagle II Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 12, 2005.

Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hyland and Supervisor Kauffman being out of the room.

94. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE PUBLIC FACILITIES MANUAL (PFM) AND THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION PROVISIONS, AND CHAPTER 104 (EROSION AND SEDIMENTATION CONTROL)**
(4:28 p.m.)

- (O) (A) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Judith Cronauer, Engineer III, Code Analysis Division, Department of Public Works and Environmental Services, presented the staff report.

Discussion ensued, with input from Ms. Cronauer; Douglas Hansen, Senior Transportation Planner, Traffic Operations Section, Division of Capital Projects and Operations, Department of Transportation (DOT); and Christopher D. Wells, Pedestrian Program Manager, DOT, regarding the Planning Commission's recommendations and sidewalk provisions.

Following the public hearing, which included testimony by one speaker, discussion ensued, with input from Mr. Hansen, regarding traffic calming measures.

Supervisor Frey moved:

- Adoption of the proposed amendments to the PFM, Chapter 101 (Subdivision Ordinance), and Chapter 104 (Erosion and Sedimentation Control) of the Code of the County of Fairfax, regarding the 2005 Virginia Department of Transportation Subdivision Street Requirements, sidewalk provisions, traffic-calming and cut-through programs, and editorial adjustments as set forth in the staff report dated August 16, 2005, with the incorporation of recommended changes numbers 1 and 7 by the Planning Commission.
- That the proposed amendments become effective at 12:01 a.m., November 22, 2005.
- That the Board authorize the advertisement of public hearings to be held before the Planning Commission and the Board of Supervisors regarding amendments based on recommended changes number 4, 5, and 6 forwarded by the Planning Commission.
- That the recommended changes number 4 and 5 be revised to indicate that the 18,000 square foot lot size be changed to 25,001 rather than a flat 25,000 square feet.

Supervisor Hyland and Supervisor Kauffman jointly seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

95. **4 P.M. – PH ON A PROPOSAL TO ABANDON AND VACATE SOUTHLAND AVENUE (MASON DISTRICT)** (4:52 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Michael A. Davis, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the Ordinance abandoning Southland Avenue. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois being out of the room.

96. **4 P.M. – PH ON A PROPOSAL TO ABANDON LINGUINI LANE AND A CONVEYANCE OF FEE OWNERSHIP OF THE ABANDONED AREA (SPRINGFIELD DISTRICT)** (4:56 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Michael A. Davis, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor McConnell moved adoption of the Order abandoning Linguini Lane and adoption of the Resolution to convey fee ownership of the right-of-way to M/I Properties. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey being out of the room.

97. **4 P.M. – PH ON A PROPOSAL TO ABANDON BARTHOLOMEW COURT (HUNTER DISTRICT)** (4:59 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Michael A. Davis, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Hudgins moved adoption of the Order abandoning Bartholomew Court. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Frey and Supervisor McConnell being out of the room.

98. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 4900 COLUMBIA ROAD (MASON DISTRICT)** (5:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Christina Sadar, Blight Abatement Program Coordinator, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Gross moved adoption of an Ordinance to declare 4900 Columbia Road blighted, constituting a nuisance, and approval of the blight abatement plan for the subject property. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hudgins, Supervisor Kauffman, and Supervisor McConnell being out of the room.

99. **4:30 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 4124 BRUNING COURT (BRADDOCK DISTRICT)** (5:12 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Christina Sadar, Blight Abatement Program Coordinator, Department of Housing and Community Development, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Bulova moved adoption of an Ordinance to declare 4124 Bruning Court blighted, constituting a nuisance, and approval of the blight abatement plan for the subject property. Supervisor Hyland seconded the motion.

A brief discussion ensued with input by Alan Weiss, Assistant County Attorney, regarding when this ordinance would be recorded.

The question was called on the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hudgins, and Supervisor Kauffman, being out of the room.

100. **4:30 P.M. – PH ON A PROPOSAL TO VACATE SUNCREST LANE (PROVIDENCE DISTRICT)** (5:24 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Michael A. Davis, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, Supervisor Smyth moved adoption of an Ordinance vacating Suncrest Lane. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Hudgins, and Supervisor McConnell, being out of the room.

101. **4:30 P.M. – PH ON PROPOSAL TO VACATE AND ABANDON A SEGMENT OF CRANFORD STREET AND VACATE MARION PLACE (MOUNT VERNON DISTRICT)** (5:26 p.m.)

- (Os) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Donald Stephens, staff, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of the Ordinances for vacation of Cranford Street and Marion Place (Attachment III) and the Order for abandonment of Cranford Street (Attachment IV) as contained in the Board Agenda dated November 21, 2005. This motion, the second to which was indistinguishable, carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor

Frey, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hudgins, and Supervisor McConnell, being out of the room.

102. **3 P.M. – PH ON REZONING APPLICATION RZ 2004-MV-030 (LUKEN COMPANY, LC) (MOUNT VERNON DISTRICT)** (5:28 p.m.)

- (O) (NOTE: On June 6, 2005, the Board deferred the decision on this item until June 20, 2005. On June 20, 2005, the Board deferred the decision on this item until July 25, 2005. On July 25, 2005, the Board directed staff to schedule a new public hearing on September 26, 2005, due to a change in the proffered plan. On September 26, 2005, the Board deferred the public hearing until October 17, 2005. On October 17, 2005, the Board deferred the public hearing until November 21, 2005.)

The application property is located on the west side of Lukens Lane and approximately 50 feet north of the intersection of Lukens Lane and Old Mill Road, Tax Map 110-1((1))40, 41, and 42.

Mr. Paul Wilder reaffirmed the validity of the affidavit for the record.

Supervisor Hyland disclosed the following:

- Mr. James D. Turner contributed \$300 to the Supervisor Hyland Lobsterfests on August 8, 2004, and September 15, 2005.

Mr. Wilder had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, which included testimony by two speakers, Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-MV-030, from the R-2 District to the R-3 District, subject to the proffers dated November 21, 2005. Supervisor Kauffman seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hudgins and Supervisor McConnell being out of the room.

103. **4:30 P.M. – PH ON PROPOSAL TO VACATE AND ABANDON BERYL STREET (MASON DISTRICT)** (5:35 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of September 29 and October 6, 2005.

Michael A. Davis, Senior Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Supervisor Gross moved adoption of the Ordinance abandoning Beryl Street. Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Hudgins and Supervisor McConnell being out of the room.

Supervisor Bulova asked unanimous consent that the Board direct staff to determine why there was a notification error and to correct the problem. Without objection, it was so ordered.

104. **4:30 P.M. – PH TO CONSIDER A PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 41.1 (ANIMAL CONTROL AND CARE) TO ADOPT AN ORDINANCE THAT ESTABLISHES A PILOT PROGRAM TO PROHIBIT THE FEEDING OF MALLARD DUCKS AND CANADA GEESE ON PARCELS OF LAND CONTIGUOUS TO LITTLE HUNTING CREEK (MOUNT VERNON DISTRICT)** (5:38 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Captain Pamela Minnich, Commander, Animal Services Division, Police Department, presented the staff report.

Supervisor Hyland stated that he had received two emails in opposition.

Following the public hearing, which included testimony by one speaker, Supervisor Hyland moved adoption of an Ordinance adding a section to the Code of the County of Fairfax, Chapter 41.1 (Animal Control and Care), the Animal Control and Care Ordinance, that establishes a pilot program to prohibit the feeding of mallard ducks and Canada geese on parcels of land contiguous to Little Hunting Creek until November 1, 2007. Supervisor Kauffman seconded the motion.

A brief discussion ensued with input from Captain Minnich regarding enforcement of the ordinance.

Additional discussion ensued with input from Earl Hodnett, Wildlife Biologist, Police Department, regarding predators of geese.

The question was called on the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins and Supervisor McConnell being out of the room.

105. **5 P.M. – PH ON REZONING APPLICATION RZ 2005-MV-001 (BROOKFIELD RIDGE ROAD, LLC) (MOUNT VERNON DISTRICT)** (5:55 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2005-MV-001 until **January 9, 2006, at 3 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

106. **5 P.M. – PH ON REZONING APPLICATION/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2003-MV-060 (D.R. HORTON, INCORPORATED (MOUNT VERNON DISTRICT))** (5:56 p.m.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application/Final Development Plan Application RZ/FDP 2003-MV-060 until **January 9, 2006, at 4:30 p.m.** Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

107. **5 P.M. – PH TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES) UPDATING THE BOARDS, AUTHORITIES, COMMISSIONS (BACS), AND EMPLOYEES REQUIRED TO FILE FINANCIAL DISCLOSURE FORMS** (5:57 p.m.)

- (O)(BACs) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Michael H. Long, Senior Assistant County Attorney, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Section 3-5-1. The proposed revisions update the BACs and employees required to file financial disclosure forms. This motion, the second to which was indistinguishable, carried by unanimous vote, Supervisor Bulova,

Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE.”

108. **5 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 6708 BEULAH STREET (LEE DISTRICT)** (6:01 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Christina Sadar, Blight Abatement Program Coordinator, Department of Housing and Community Development, presented the staff report.

Supervisor Kauffman stated that he had an item for the record.

Following the public hearing, which included testimony by one speaker, Supervisor Kauffman moved adoption of an Ordinance to declare 6708 Beulah Road blighted, constituting a nuisance, and approve the blight abatement plan for the subject property. Supervisor DuBois seconded the motion and it carried by a vote of nine, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Bulova being out of the room.

109. **5 P.M. – PH ON PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), ARTICLE 20, ORDINANCE STRUCTURE, INTERPRETATIONS AND DEFINITIONS, PART 3, DEFINITIONS, TO CLARIFY THE DEFINITION OF “PUBLIC USE”** (6:08 p.m.)

Supervisor DuBois moved to defer indefinitely the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, to clarify the definition of “public use.” Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Bulova and Supervisor Frey being out of the room.

110. **5 P.M. – PH ON AN EMERGENCY UNCODIFIED ORDINANCE THAT WILL PROVIDE FOR UP TO A \$1.50 TAXICAB FUEL SURCHARGE UNTIL APRIL 30, 2006** (6:09 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Gail Condrick, Director, Department of Cable Communications and Consumer Protection, presented the staff report.

Discussion ensued with input from Steve Sinclair, Utility Analyst, Consumer Protection Division, regarding the surcharge.

Following the public hearing, which included testimony by two speakers, Supervisor Bulova moved adoption of an emergency uncodified Ordinance to provide a \$1.00 taxicab fuel surcharge, to be effective for the period November 22, 2005, until April 30, 2006. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois being out of the room.

111. **5 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2006 VIRGINIA GENERAL ASSEMBLY** (6:21 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of November 3 and 10, 2005.

Karen Harwood, Deputy County Attorney, presented staff the report.

Discussion ensued, with input from Michael Long, Senior Assistant County Attorney, regarding the Dillon Rule.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to provide a memorandum to the Board regarding the history of the Dillon Rule and how it could be amended. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Smyth asked unanimous consent that the Board direct staff to clarify the tree canopy ordinance. Without objection, it was so ordered.

Supervisor Hudgins asked unanimous consent that the Board direct staff to clarify the status of the proposed "Virginia Fair Wage Act" in the Legislative Program. Without objection, it was so ordered.

Supervisor McConnell asked unanimous consent that the Board direct staff to provide the Board with an analysis regarding taxes if Reston were to become a town. Without objection, it was so ordered.

Following further discussion in reference to the town status proposal for Reston, Supervisor Hudgins asked unanimous consent that the Board direct staff to provide an analysis of the critical need to be served and the cost of that need. Without objection it was so ordered.

Following the public hearing, which included testimony by seven speakers, Chairman Connolly announced that the record would remain open for written testimony and the Board would take action on the legislative program at the December 5, 2005, meeting.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to cancel the November 28, 2006, legislative meeting. Without objection, it was so ordered.

Chairman Connolly announced the following significant dates:

- December 7, 2005, 7:30 a.m: Annual Delegation Breakfast
- January 11, 2006: General Assembly begins
- February 28, 2006: County's Legislative Reception
- Board's Legislative Committee meetings at 4 p.m.:
 - January 20, 2006
 - January 27, 2006
 - February 3, 2006
 - February 17, 2006
 - February 24, 2006
 - March 3, 2006

Chairman Connolly asked unanimous consent that the Board direct staff to publicize the legislative-related information. Without objection, it was so ordered.

A brief discussion ensued regarding the late afternoon scheduling of the Legislative Committee meetings.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

ADDITIONAL BOARD MATTER**112. RESOLUTION HONORING A CITIZEN OF THE MOUNT VERNON DISTRICT (7:19 p.m.)**

(R) Supervisor Hyland moved adoption of the Resolution, as circulated to the Board, which he will present as a surprise to honor a citizen of the Mount Vernon District. Supervisor Kauffman seconded the motion, which carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting “AYE.”

113. BOARD ADJOURNMENT (7:20 p.m.)

The Board adjourned.

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